

NIALL E. LYNCH (State Bar No. 157959)
 NATHANAEL M. COUSINS (State Bar No. 177944)
 MAY LEE HEYE (State Bar No. 209366)
 BRIGID S. MARTIN (State Bar No. 231705)
 CHARLES P. REICHMANN (State Bar No. 206699)
 E. KATE PATCHEN (N.Y. Reg. 41204634)
 Antitrust Division
 U.S. Department of Justice
 450 Golden Gate Avenue
 Box 36046, Room 10-0101
 San Francisco, California 94102
 Telephone (415) 436-6660

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 06-0692 PJH
)	
Plaintiff,)	
)	STIPULATION AND PROPOSED
v.)	ORDER IN RESPONSE TO DEFENDANT
)	GARY SWANSON'S MOTION FOR BILL
IL UNG KIM, et al.,)	OF PARTICULARS
)	
Defendants.)	

The parties stipulate as follows:

On February 7, 2007, Gary Swanson ("defendant") and his counsel, John J. Bartko, Bill Edlund and John F. McLean, and the United States Department of Justice, represented by Niall E. Lynch and E. Kate Patchen, appeared before the Honorable Judge Phyllis J. Hamilton on a motion for bill of particulars filed by the defendant. The Court continued the motion to allow the parties an opportunity to meet and confer regarding a possible negotiated resolution of the motion. After meeting and conferring, the defendant and the government have agreed to the following terms and conditions:

1. The government will, by March 14, 2007, provide defendant with a description for the boxes of documents that do not currently contain a description on the log provided to the defendant by the government on December 13, 2006.

2. The government will provide defendant with a witness list and exhibit list at least 60 days prior to trial. This will not include summaries pursuant to Federal Rule of Evidence 1006, which will be provided on the date required in the Court's pretrial order.
3. Upon request, the government will provide technical assistance and use reasonable efforts to help the defendant load, OCR, and search the electronic discovery produced by the government.
4. The government hereby files with this stipulated Order a redacted summary of the government's current theory of the case and essential facts as to defendant. The summary describes defendant's knowledge of and participation in the conspiracy charged in the Indictment. In addition, the summary addresses the means and methods specifically employed by defendant to further the goals of the conspiracy, and includes the names of some of the most significant witnesses.
5. The parties stipulate that ten (10) days before trial the summary shall constitute a bill of particulars in the above-captioned matter pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure. The government may amend the bill of particulars subject to such conditions as justice requires.

///

///

///

///

///

///

///

///

///

///

///

1 DATED: February 28, 2007

Respectfully submitted,

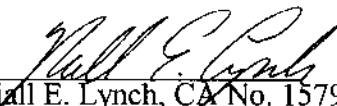
3 GARY SWANSON

U.S. DEPARTMENT OF JUSTICE

5 BY:

John McLean, Esq., CA No. 77914
Law Offices of John McLean
45 Seafirth Road
Tiburon, CA 94920
Tel: 415/435-6367
Fax: 415/789-0159

BY:


Niall E. Lynch, CA No. 157959
Nathanael M. Cousins, CA No. 177944
May Lee Heye, CA No. 209366
Brigid S. Martin, CA No. 231705
Charles P. Reichmann, CA No. 206699
E. Kate Patchen, N.Y. Reg. 41204634
Trial Attorneys
U.S. Department of Justice
Antitrust Division
450 Golden Gate Avenue
Box 36046, Rm. 10-0101
San Francisco, CA 94102
Tel: 415/436-6660
Fax: 415/436-6687

John J. Bartko, Esq., CA No. 37372
William I. Edlund, Esq., CA No. 25013
Bartko, Zankel, Tarrant & Miller
900 Front Street, Suite 300
San Francisco, CA 94111
Tel: 415/956-1900
Fax: 415/956-1152

16 PURSUANT TO STIPULATION, IT IS SO ORDERED:

18 Dated: _____

United States District Court Judge

1 DATED: February 28, 2007

Respectfully submitted,

3 GARY SWANSON

U.S. DEPARTMENT OF JUSTICE

5 BY:



John McLean, Esq., CA No. 77914
Law Offices of John McLean
45 Seafirth Road
Tiburon, CA 94920
Tel: 415/435-6367
Fax: 415/789-0159

BY:

Niall E. Lynch, CA No. 157959
Nathanael M. Cousins, CA No. 177944
May Lee Heye, CA No. 209366
Brigid S. Martin, CA No. 231705
Charles P. Reichmann, CA No. 206699
E. Kate Patchen, N.Y. Reg. 41204634
Trial Attorneys
U.S. Department of Justice
Antitrust Division
450 Golden Gate Avenue
Box 36046, Rm. 10-0101
San Francisco, CA 94102
Tel: 415/436-6660
Fax: 415/436-6687

John J. Bartko, Esq., CA No. 37372
William I. Edlund, Esq., CA No. 25013
Bartko, Zankel, Tarrant & Miller
900 Front Street, Suite 300
San Francisco, CA 94111
Tel: 415/956-1900
Fax: 415/956-1152

16 PURSUANT TO STIPULATION, IT IS SO ORDERED:

18 Dated: 3/1/07

